

REMARKS

Claims 31-61 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Srinivasan in view of Belknap. It is respectfully submitted that neither Srinivasan nor Belknap alone or in combination render amended claim 51, for example, obvious.

As amended, claim 51 recites a personal-use receiver to receive content from a plurality of content providers and to receive a plurality of advertisements, a local cache, coupled to the receiver, to store the content, the plurality of advertisements, and instructions, the instructions to enable the receiver to detect, during play of a particular content item selected from the local cache, an interruption in the access of the particular content item from the local cache, the interruption based on a user's unique pattern of usage of the particular content item and the instructions to enable the receiver to collect information to enable a credit to the content provider that provided the particular content item for an advertisement displayed in association with the particular content item, and an interface, in the receiver, to insert an advertisement for display in response to detecting the interruption in the access to the particular content item.

In the Office action, the examiner asserts that Srinivasan collects information to enable a credit to a content provider for an advertisement displayed in association with the content. *See* Paper No. 20061219, page 3. It is respectfully submitted that the portion of Srinivasan that the examiner relies on has nothing to do with amended claim 51. For example, this portion is directed toward regularly scheduled broadcast channels; shows that have predetermined advertising time slots may be broadcast at regularly scheduled times. *See* column 31, lines 15-30; column 34, lines 1-23. Generally, an ad server 221 pulls ads that are to be inserted in the known time slots and controls the integration of the pulled ads with the primary video stream. Column 34, lines 1-42. Thus, charges to advertisers are based on a percentage of actual airtime. *Id.* The percentage of actual airtime is known prior to broadcast because ads are preselected by the ad server for insertion in a predetermined time slot in a regularly scheduled broadcast. Srinivasan does not address how to credit a particular content provider for an advertisement that is played during use of its content where content is received from many different content providers and is stored on a personal-use receiver. Under these circumstances it is not known if or when a particular content item will be selected by a consumer for play or if the consumer will interrupt the content to prompt an advertisement to play during the interruption.

Belknap does not cure the deficiency of Srinivasan. Belknap is based on one hundred percent predictability of isochronous data; the system always knows in advance what videos are playing. Column 12, lines 30-49. Thus, both Belknap and the cited portions of Srinivasan deal with a known such as known broadcasts and Srinivasan deals with known time slots for inserting an advertisement. Therefore, neither of these references, alone or in combination, teaches or suggests all of the limitations of amended claim 51 and claims dependent thereon.

Under a similar analysis independent claims 31 and 41 and their respective dependent claims are also distinguished over the cited art.

CONCLUSION

In view of the amendments and remarks herein, the application is believed to be in condition for allowance. The examiner's prompt action in accordance therewith is respectfully requested. The commissioner is authorized to charge any additional fees, including extension of time fees, or credit any overpayment to Deposit Account No. 20-1504 (BKA.0009US).

Respectfully submitted,

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